

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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APEX MARITIME CO., INC. d/b/a/ APEX	:	
SHIPPING CO. and APEX SHIPPING CO.	:	<u>MEMORANDUM & ORDER</u>
(NYC), INC.,	:	
	:	11-cv-5365 (ENV) (RER)
Plaintiff,	:	
	:	
-against-	:	
	:	
FURNITURE, INC. and THOMAS CORRALES,	:	
Defendants.	:	
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VITALIANO, D.J.

Plaintiff Apex Maritime Co., Inc. d/b/a Apex Shipping Co. and Apex Shipping Co. (NYC), Inc. ("Apex") filed this action on November 2, 2011 against defendants Furniture, Inc. and Thomas Corrales for breach of a maritime contract. Defendants failed to answer the complaint, the Clerk of Court noted defendants' default, and Apex moved for default judgment. On May 31, 2012, the Court granted the motion with referral to Magistrate Judge Ramon E. Reyes for a report and recommendation ("R&R") as to appropriate relief. In an R&R issued on April 11, 2013, Judge Reyes recommended that Apex be awarded a default judgment in the amount of \$115,431.70, plus additional prejudgment interest of \$12.10 per diem until the entry of final judgment.

In reviewing a report and recommendation of a magistrate judge, a district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Further, a

district judge is required to “determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); see also Arista Records, LLC v. Doe 3, 604 F.3d 110, 116 (2d Cir. 2010). But, where no timely objection has been made, the “district court need only satisfy itself that there is no clear error on the face of the record” to accept a magistrate judge’s report and recommendation. Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

No objections have been filed. After careful review of the record, the Court finds the R&R to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R in its entirety as the opinion of the Court. Judgment shall enter in favor of Apex and against defendants Furniture, Inc. and Thomas Corrales, jointly and severally, as follows: (1) \$96,634.24 in damages; (2) \$11,409.10 in prejudgment interest through April 11, 2013, plus \$12.10 per diem until the entry of judgment; (3) \$6,528.00 in attorneys’ fees; and (4) post-judgment interest pursuant 28 U.S.C. § 1961. In addition, default judgment shall be entered against defendant Thomas Corrales, individually, in the amount of \$860.33 for costs.

The Clerk of Court is directed to enter judgment and to close this case.

SO ORDERED.

**Dated: Brooklyn, New York
May 30, 2013**

s/ ENV

**ERIC N. VITALIANO
United States District Judge**